

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:08cr52-MHT
)	
ANDREW O'NEAL LOWERY)	

GOVERNMENT'S MOTION FOR DETENTION HEARING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and pursuant to 18 U.S.C. 3142(e) and (f) moves for detention for the above-captioned defendant.

1. Eligibility of Cases

This case is eligible for a detention order because this case involves:

<hr/>	10 + year crime of violence (18 U.S.C. § 3156)
<hr/>	10 + year federal crime of terrorism (18 U.S.C. § 2332b(g)(5)(B))
<hr/>	Maximum sentence of life imprisonment or death
<hr/>	10 + year drug offense
<hr/>	Felony, with two prior convictions in the above categories
<hr/>	Felony involving a minor victim
<hr/>	Felony involving possession or use of a firearm or other destructive device (as defined by 18 U.S.C. § 921) or any other dangerous weapon
<hr/>	Failure to register as a sex offender (18 U.S.C. § 2250)
<hr/> X	Serious risk the defendant will flee
<hr/>	Serious risk of obstruction of justice

2. Reason for Detention

The Court should detain defendant because there are no conditions of release which will reasonably assure:

 X Defendant's appearance as required
 X Safety of any other person and the community

3. Rebuttable Presumption

The United States will not invoke the rebuttable presumption against defendant under Section 3142(e).

 Previous conviction for "eligible" offense committed while on pretrial bond, and a period of five years has not elapsed from defendant's conviction or release from imprisonment for the offense described

 Probable cause to believe defendant committed 10 + year drug offense or probable cause to believe that defendant committed a crime in which a firearm was used or carried under Section 924(c)

 Probable cause to believe defendant conspired to kill, kidnap, maim, or injure persons in a foreign country as prohibited under 18 U.S.C. § 956(a)

 Probable cause to believe defendant committed act of terrorism transcending national boundaries (18 U.S.C. § 2332) or a 10 + year federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5)(B))

 Probable cause to believe defendant committed 10 + year offense involving a minor victim

4. Time for Detention Hearing

The United States requests the Court conduct the detention hearing:

 At the initial appearance
 X After continuance of 3 days

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Respectfully submitted this the 7th day of May, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Kent B. Brunson
KENT B. BRUNSON
Assistant United States Attorney
Post Office Box 197
Montgomery, Alabama 36101-0197
Phone: 334.223.7280
FAX: 334.223.7135
E-mail address: kent.brunson@usdoj.gov